

# **Kentucky Department for Environmental Protection**



## **Strategic Operational Plan for State Fiscal Year 2010**

Kentucky Energy and Environment Cabinet

**July 2009**



# Department for Environmental Protection

## *Mission*

**Protect and enhance Kentucky's environment to improve the quality of life for all Kentuckians.**

## *Vision*

**The Department for Environmental Protection envisions a healthy and productive commonwealth with balanced stewardship of the land, air and water where future generations enjoy an environment as good as or better than the present.**

## *Principles*

- **The department will make sound decisions that earn the public's trust.** The decisions made by the department will be prudent, defensible and consistent with the department's mission and in the best interest of the citizens of the commonwealth.
- **The department will focus on environmental results rather than programs or procedures.** The success of environmental programs will be measured in terms of achieving desirable environmental benefits, not in the number of staff or the size of budgets. We will evaluate programs and procedures in relation to their contribution to the mission.
- **The department will use good scientific information to aid in its decision making.** The foundation on which environmental protection programs are constructed is an understanding of the causes and effects resulting from actions that impact the environment. Scientific information is critical to the assessment and evaluation of existing environmental conditions and the determination of the effectiveness of our programs. We will employ generally accepted and applicable scientific methods and processes to accomplish our mission.
- **The department will consider the range of environmental benefits and consequences of proposed actions before making final decisions.** Good public policy encourages government agencies to promote actions that maximize benefits to society while minimizing adverse effects. While individual statutes, regulations, programs and organizational units may have a narrow focus, we will always consider the benefits and consequences of our actions to the environment as a whole.
- **The department will evaluate its performance using meaningful criteria.** We will require accountability from our managers, supervisors and staff in the continuing evaluation of program performance. We will gauge effectiveness based on actual program results.

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### *Message from the Commissioner*



**R. Bruce Scott, P.E.**

We are pleased to present the Department for Environmental Protection's Strategic Operational Plan for State Fiscal Year 2010 (SFY2010). This plan outlines environmental strategies and measures the department will use to achieve its goals and objectives this year. As with the SFY2009 plan, these goals and objectives are intended to provide the commonwealth's citizens with a healthy and safe environment and further support our mission of protecting and enhancing Kentucky's environment.

The department successfully met many of the challenges outlined in the SFY2009 strategic plan including addressing the need for long overdue physical office space (including consolidation of Frankfort office staff, agency files, and providing professional meeting and training space), absorbing a 20% general fund reduction to the department's budget, and filling key leadership positions across the department vacated due to retirement of experienced staff.

The department continues to work toward strengthening its long-term foundation and viability in order to address the environmental issues of today and tomorrow. Further potential budget reductions in SFY2010 create significant challenges in this regard. To that end, in SFY2010 the department will continue to evaluate the organizational structure, processes in the delivery of services, funding sources such as permit fees and restricted funds, and prioritization of the department's mission. Some specific examples of these efforts include the revision of outdated permit fees, priority attention to core agency programs, shifting of resources to resolve remaining permit backlogs, and improved training efforts of the regulated community.

Efforts are ongoing to revise department regulations to reflect the latest federal regulation and state statutory requirements. The agency has made significant progress toward this goal thus far which will allow maintenance of program regulations to be much more efficient in the future. This will eventually allow the department to make more holistic evaluations of overall program regulatory requirements with regard to their efficiency and effectiveness in accomplishing the department's mission and objectives.

As we evaluate current and future environmental trends, the department is faced with enormous challenges, such as: (1) addressing water quality impairments (ex., nutrients), (2) the protection of riparian zones, (3) potential forthcoming requirements on carbon management and greenhouse gas emissions, (4) increased emphasis on coal mining and coal combustion wastes, (5) maintenance and replacement of aging infrastructure of water, sewer and dams, (6) more effective solutions to the management and life-cycle of waste (ex., waste to energy, enhanced reuse of impacted properties, etc.)

We hope that you find this SFY2010 Strategic Plan useful and informative as we work together toward protecting and enhancing Kentucky's environment to improve the quality of life for all Kentuckians.

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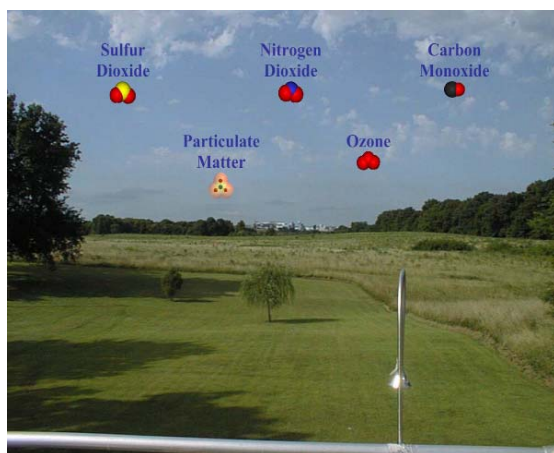
### Goal 1



### Clean Air

*Protect human health and the environment by achieving and maintaining acceptable air quality.*

Implementing and maintaining programs to achieve federal and state air quality standards in the Commonwealth of Kentucky is important to the health and wellness of all citizens across the state. The amount of air pollution released into the air by industry and transportation sources is monitored using a comprehensive program involving air quality monitoring, planning, construction and operation permitting and inspections.



Kentucky currently operates an air quality monitoring network composed of 140 monitors located in 29 counties. Air monitoring stations are selected using U.S. EPA guidance and are generally established near populous areas or pollutant sources. Station locations are reviewed annually to ensure adequate air quality monitoring coverage. Data from the network is used to demonstrate compliance with ambient air quality standards and identify pollution trends. This information is also used to provide pollutant levels for daily air quality index reporting and detect elevated pollutant levels for activation of emergency control procedures.

Creating effective partnerships with air pollution sources and the public enables the department to carry out its goal of protecting human health and the environment by achieving and maintaining acceptable air quality for all Kentuckians.

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### **Objective 1 - Eliminate DAQ permit backlog.**

**Tactic 1.1:** Continue execution of the backlog reduction plan originally implemented on July 15, 2006.

**Measures:** The total number of permits pending.  
The total number of permits pending that exceed regulatory timeframes.  
The percentage of permit reviews completed within regulatory timeframes.  
The percentage of permit reviews completed that exceed regulatory timeframe.

**Baseline:** The July 1, 2009 DAQ permit backlog.

**Action 1.1.1:** Obtain a zero backlog on all remaining applications beyond regulatory time frames by December 31, 2009.

**Action 1.1.2:** Continue utilization of TEMPO reporting to accurately track and report on measures.

**Action 1.1.3:** Continue to evaluate and implement streamlining opportunities to address process and institutional inefficiencies.

**Action 1.1.4:** Ensure that all permits are issued within regulatory time frames.

**Action 1.1.5:** Continue recruitment, program orientation and training to enhance retention of qualified staff.

### **Objective 2 - Protect and enhance Kentucky's air quality.**

**Tactic 2.1:** Continue implementation of the air toxics program to evaluate and address any risks to public health associated with hazardous and toxic air pollutant emissions.

**Measures:** The total number of air toxics assessments reviewed and/or performed.  
The total number of hazardous air pollutant related complaint investigations.  
The total tons of hazardous air pollutants reduced.

**Baseline:** Kentucky Emissions Inventory and the Federal Toxics Release Inventory (TRI) for calendar year 2008.

**Action 2.1.1:** Update the air toxics webpage to include data and parameters needed for modeling analysis by August 30, 2009.

**Action 2.1.2:** Develop specific work plans for each investigation pursued and document results in accordance with standard departmental protocols.

**Action 2.1.3:** Review and approve as appropriate, the University of Louisville's SFY10 work plan for the West Jefferson County Air Toxics program, ensuring that it complements the state air toxics program.

**Action 2.1.4:** Complete statistical analysis on selected air toxics data and complete an updated risk assessment for the Calvert City project by June 15, 2009.

**Action 2.1.5:** Conduct short-term, special risk-based studies as necessary to address areas of concern indentified due to the presence of air toxics.

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**Action 2.1.6:** Complete statistical analysis on all available data from all air toxics monitors by June 30, 2010.

**Action 2.1.7:** Provide all necessary support to EPA's Air Toxics in Schools project.

**Action 2.1.8:** Reconfigure the ambient monitoring network to address trends-based air toxics studies, pursuant to the formal annual network review process in 40 CFR 58.10.

**Tactic 2.2:** Implement measures contained in the June 2008 annual PM<sub>2.5</sub> (15 ug/m<sup>3</sup> averaged over a calendar 3-year period) attainment demonstration State Implementation Plan (SIP).

**Measure:** The number of counties remaining in non-attainment

**Baseline:** In 2005, six (6) counties and a portion of a 7<sup>th</sup> were designated as not meeting the fine particulate standard based on the 3-year average for the 2003-2005 period.

**Action 2.2.1:** Continue implementation of federal and state emission reduction strategies or programs to attain the fine particulate standard.

**Action 2.2.2:** Continue to administer SIP-approved programs implemented as part of historic control strategies designed to reduce emissions in areas with previous air quality problems.

**Action 2.2.3:** Continue to participate in regional modeling initiatives, conducted by the regional planning organization Visibility Improvement – State and Tribal Association of the Southeast (VISTAS), designed to provide information on fine particulate control strategies.

**Action 2.2.4:** Recognize that all Kentucky counties are meeting the PM 2.5 annual standard; however, due to their inclusion in a multi-state nonattainment area, they remain designated nonattainment for this standard.

**Tactic 2.3:** Continue implementation of federal programs and requirements contained in the 1997 8-hour ozone attainment demonstration SIP, submitted to the U.S. EPA in December 2007.

**Measure:** The number of counties remaining in non-attainment.

**Baseline:** On June 15, 2008, three (3) counties were still in non-attainment with the 1997 8-hour ozone standard as designated in 2005, which was based on the 3-year average for the 2003-2005 period.

**Action 2.3.1:** Continue to administer SIP-approved programs implemented as part of historic control strategies designed to reduce emissions in areas with previous air quality problems.

**Action 2.3.2:** Continue to participate in regional modeling initiatives conducted by VISTAS and designed to provide information on 8-hour ozone control strategies.



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**Action 2.3.3:** Recognize that all Kentucky counties are meeting the 1997 8-hour ozone standard; however, due to their inclusion in a multi-state nonattainment area they remain designated nonattainment for this standard.

**Tactic 2.4:** Continue implementation of federal programs and requirements contained in the December 2007 Regional Haze SIP.

**Measure:** Improved visibility at Class I areas, including Mammoth Cave National Park, by EPA specified levels at interim deadlines and work toward long-range 2064 background visibility goals.

**Baseline:** 2000-2004 visibility levels.

**Action 2.4.1:** Continue to actively participate in regional modeling initiatives conducted by VISTAS\SESARM to determine control strategies necessary to meet the federal visibility improvement requirements. Through continued participation with VISTAS\SESARM, submit to EPA by December 2012 the initial five-year progress report on reasonable progress goals towards achieving natural visibility conditions for applicable Class I areas.

**Action 2.4.2:** Continue to participate in the Southeast Diesel Collaborative, specifically by dispersing grant money awarded to Kentucky for FY2008-2009 through the Diesel Emissions Reduction Act.

**Tactic 2.5:** Enter a negotiating dialogue with U.S. EPA in November 2009 regarding the recommendations for areas not meeting 2008 8-hour ozone standard, which were submitted in March 2009. This will result in the official nonattainment designations for this standard in March 2010.

**Measure:** Number of counties in non-attainment.

**Baseline:** 3-year average for the 2006-2008 period.

**Action 2.5.1:** Conduct outreach and education during the fall/winter of 2009 in those communities expected to be impacted by a non-attainment designation.

**Action 2.5.2:** Review and quality assure monitoring data by February 15, 2010 to determine if any previously identified nonattainment area has met the standard.

**Action 2.5.3:** Begin development of required control strategy SIP as specified by the Clean Air Act according to the classification of each nonattainment area.

**Action 2.5.4:** Begin the development of the framework for an attainment demonstration for the 2008 8-hour ozone standard.

**Tactic 2.6:** Determine mercury deposition and impacts resulting from emissions of mercury by Kentucky sources.

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**Measures:** Reduce emissions of mercury from stationary sources.  
Number of streams with fish consumption advisories.

**Baseline:** Calendar year 2008 TRI of Kentucky sources.

**Action 2.6.1:** Continue operation of the air monitoring network to determine ambient mercury levels.

**Action 2.6.2:** Continue operation of the mercury wet deposition network.

**Action 2.6.3:** Require mercury control and monitoring on all new electric generating units (EGUs).

**Action 2.6.4:** Require EGUs to verify mercury emissions on their 2009 surveys.

**Tactic 2.7:** Track U.S. EPA's development and implementation of their Greenhouse Gas Reporting Rule and determine what requirements may be applicable to Kentucky.

**Measure:** Total tons of greenhouse gas emissions from various Kentucky sectors.

**Baseline:** Calendar year 2009 emissions inventory.

**Action 2.7.1:** Identify sectors emitting GHGs.

**Action 2.7.2:** Establish emission inventories for identified sectors in accordance with the requirements in the Greenhouse Gas Reporting Rule.

**Tactic 2.8:** Submit recommendations for areas not meeting the new 2008 Lead standard ( $0.15\mu\text{g}/\text{m}^3$  rolling 3-month period with a maximum form, evaluated over a 3-year period) to U.S. EPA by October 15, 2009.

**Measure:** Number of areas in nonattainment.

**Baseline:** Areas indicated as being potentially impacted based on the most recent emissions inventory data.

**Action 2.8.1:** Perform air modeling for areas that may not meet the standard.

**Action 2.8.2:** Place monitors at locations that modeling indicates violations of the standard.

**Action 2.8.3:** Require EGUs to verify lead emissions on their 2009 surveys.

**Tactic 2.9:** Operate an extensive, statewide ambient air monitoring network in order to ascertain the status of Kentucky's ambient air quality.

**Measures:** Number of air monitors in network based on population estimates.

Number of locations selected to represent population exposure.

Number of locations selected to represent background concentration levels.

Number of locations selected to represent regional transport of ambient air pollution.

Number of monitors and locations to represent source impacts.

Hours of continuous ambient air monitoring data collected.

Number of particulate matter, lead, and air toxics samples collected.

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Concentrations of pollutants for which national ambient air quality standards have been established.

Concentrations of pollutants for which health-based risk standards have been determined.

**Baseline:** 2004-2009 Kentucky Electronic Data Acquisition Systems data and 2004-2009 Kentucky Air Quality System (AQS) data.

**Action 2.9.1:** Develop the ambient air monitoring network plan in accordance with 40 CFR 58.10 by July 1, 2010.

**Action 2.9.2:** Develop 5-year network assessment plan by July 1, 2010.

**Action 2.9.3:** Obtain hourly ambient air pollutant concentrations for ozone, sulfur dioxide, oxides of nitrogen, and mercury on a continuous basis using automated analyzers.

**Action 2.9.4:** Obtain hourly ambient air pollutant concentrations for particulate matter 2.5 microns in diameter or smaller (PM<sub>2.5</sub>) on a continuous basis using automated samplers.

**Action 2.9.5:** Collect 24-hour samples for particulate matter (including PM<sub>2.5</sub>, PM<sub>10</sub>, and speciated PM<sub>2.5</sub>), lead, and air toxics per the national USEPA Monitoring Schedule.

**Action 2.9.6:** Minimize data loss by ensuring that failed equipment is repaired or replaced within 5 business days after notification of instrument malfunction.

**Action 2.9.7:** Compile annual mean-concentration reports for each pollutant measured by May 1, 2010.

**Tactic 2.10:** Conduct quality measurement checks and data quality assessments on the ambient air monitoring network in order to ensure data accuracy & integrity.

**Measures:** Number of complete and current Quality Assurance Project Plans (QAPPs).  
Number of complete and current standard operating procedures (SOPs).  
Percentage of valid, quality-assured continuous ambient air monitoring data collected.

Percentage of valid, quality-assured particulate matter, lead, and air toxics samples collected.

Number of quality control checks performed on ambient air monitors.

Number of ambient air monitoring performance evaluations conducted.

**Baseline:** EPA's 2006-2009 Kentucky Technical Systems Audit Results.

**Action 2.10.1:** Review 100% of Division's air monitoring QAPPs on an annual basis.

**Action 2.10.2:** Review 100% of Division's air monitoring SOPs on an annual basis.

**Action 2.10.3:** Develop SOPs for new methods within 6 months of start-up.

**Action 2.10.4:** Maintain 75% data recovery for each calendar quarter for all instruments within the ambient air monitoring network.

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- Action 2.10.5:** Conduct quality control precision checks on each automated analyzer that collects ozone at least once every two weeks, with results within  $\pm 7\%$  difference.
- Action 2.10.6:** Conduct quality control precision checks on each automated analyzer that collects SO<sub>2</sub> and NO<sub>x</sub> data at least once every two weeks, with results within  $\pm 10\%$  difference.
- Action 2.10.7:** Conduct quality control precision checks on each instrument that collects particulate matter samples at least once per month, with results within  $\pm 4\%$  difference.
- Action 2.10.8:** Conduct quality control precision checks on each instrument that collects lead samples at least once per month, with results within  $\pm 7\%$  difference.
- Action 2.10.9:** Each calendar quarter (during which analyzers are operated), conduct performance evaluations on at least 25% of the SLAMS analyzers that monitor for ozone, SO<sub>2</sub>, and NO<sub>x</sub>, such that each analyzer is audited at least once per year, with all results within  $\pm 10\%$  difference.
- Action 2.10.10:** Conduct performance evaluations on all ambient air samplers that collect particulate matter at least twice per calendar year, with results within  $\pm 4\%$  difference.
- Action 2.10.11:** Conduct performance evaluations on all ambient air samplers that collect lead or air toxics samples at least twice per calendar year, with results within  $\pm 10\%$  difference.
- Action 2.10.12:** Pass all EPA-conducted performance audits, including those of the National Performance Audit Program (NPAP) and the Performance Evaluation Program (PEP), with results within  $\pm 10\%$  difference.
- Action 2.10.13:** Complete corrective actions based upon the results of any deficiencies identified in a state or federally-conducted audit within 5 business days after notification.
- Action 2.10.14:** Compile quality assurance statistical analyses and reports by May 1, 2010.
- Action 2.10.15:** Complete annual certification of all pollutant data by May 1, 2010.

**Tactic 2.11:** Assure compliance with air quality regulations and standards.

**Measures:** Number of major stationary source inspections conducted.  
Number of minor stationary source inspections conducted.  
Number of routine (non-complaint) asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) and Asbestos Hazard Emergency Response Act (AHERA) inspections conducted.  
Number of asbestos NESHAP and AHERA complaint investigations conducted.  
Number of asbestos NESHAP notification investigations for existing Agency Interests (AIs).  
Number of asbestos NESHAP notification investigations for non-Agency Interests.

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Number of routine non-asbestos complaint investigations conducted.

Compliance rate of stationary source inspections.

Compliance rate of all incident investigations (AIs & non-AIs).

Compliance rate with 401 KAR 63:005 (open burning), 63:010 (fugitive emissions) and 401 KAR 53:010 (odor).

Compliance rate of NESHAP and AHERA-related inspections and investigations.

**Baseline:** SFY2005-SFY2009 trends data.

**Action 2.11.1:** Complete full compliance evaluations of all major stationary sources on a biennial basis.

**Action 2.11.2:** Initiate appropriate enforcement action on 100% of high-priority violations (HPV as defined by EPA) within 60 days of discovery.

**Action 2.11.3:** Resolve 100% all violations within 90 days or refer to the Division of Enforcement.

**Action 2.11.4:** Complete inspection of 50% of NESHAP-regulated asbestos activities within the current fiscal year for which the division has received a required notification.

**Action 2.11.5:** Complete inspection of 20% of selected AHERA local education agencies (i.e. school districts) for the current fiscal year.

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### Goal 2



### Clean and Safe Water

*To manage, protect, and enhance the quality and quantity of the Commonwealth's water resources for present and future generations through voluntary, regulatory, and educational programs.*

Managing and protecting the state's waters, including lakes, streams and rivers, as well as the water beneath the ground's surface, is imperative to ensure safe water for human health, the subsistence of important ecosystems, and the prospect of economic development. The department is responsible for regulating and monitoring the quality of drinking water, surface water and groundwater resources, and wastewater treatment systems across the state of Kentucky.



Effective regulatory oversight of water quality via federal and state regulations along with appropriate water quality criteria controls the amount of pollutants that can be discharged to water sources. Continuous improvement of water quality in Kentucky is achieved through permitting, compliance and inspection, monitoring, and other water quality improvement programs. Inspections of permitted facilities, in conjunction with collection and analysis of data from rivers, streams, lakes and wetlands throughout the state, enable the department to closely monitor the safety of the public's drinking water and the state's water resources.

The department not only protects the public's safety by regulating water quality, but also assists the federal government in the effort to protect Kentuckians from dam failures and flooding. Permits for construction, reconstruction, and repair of dams are issued by the department and regular inspections of dams are also conducted. The National Flood Insurance Program is administered by the department; the department also issues permits for construction on floodplains to prevent losses from flooding in Kentucky.

Through the support of regulatory, monitoring and water quality improvement programs, Kentucky's water resources are enhanced and protected for present and future generations.

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### Objective 1 - Protect, manage and restore water resources.

**Tactic 1.1:** Fully implement wet weather compliance programs.

**Measures:** Number of Combined Sewer Overflows (CSO) long-term control plans approved.

Number of Sanitary Sewer Overflow Plans (SSOP) approved in SFY 2010.

**Baseline:** Number of approved long-term control plans in July 2009.

Number of approved SSOPs developed in SFY 2009.

**Action 1.1.1:** Perform all necessary reviews and inspections associated with CSO/SSO agreements. Fifty percent will be completed by September 2009 and the balance will be completed by February 2010.

**Action 1.1.2:** Have each community with recurring SSOs (SSO occurring more than once during a 12-month period) operating under an approved sanitary sewer overflow plan by June 2010.

**Action 1.1.3:** Issue the next generation of municipal separate storm sewer system permits (MS4) by September 2009. Perform all necessary reviews and inspections.

**Tactic 1.2:** Determine a Quality Assurance (QA) standard for internally and externally generated data for cross-program sharing.

**Measures:** The percentage of division data that meets established QA standards.

The percentage of division staff trained in ALAWADR.

**Baseline:** The SFY2009 inventory of existing data within the division.

The total number of division staff who will be utilizing the ALAWADR software.

**Action 1.2.1:** Develop a method to identify what data must meet division QA standards by September 2009.

**Action 1.2.2:** Develop a method to identify the statistical validity of the data collected by October 2009.

**Action 1.2.3:** Develop a plan for making improvements to and fully implementing a water resources database (ALAWADR) by October 2009.

**Action 1.2.4:** Participate in interstate training on ALAWADR by October 2009.

**Tactic 1.3:** Implement a nutrient criteria strategy.

**Measures:** Percentage of data collected and analyzed for the development of nutrient criteria in SFY2010.

**Baseline:** The SFY2009 inventory of existing nutrient criteria data.

**Action 1.3.1:** Outline water quality standards for nutrients by June 2010.

**Action 1.3.2:** Finalize strategy regarding development of nutrient water quality standards by March 2010.



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**Tactic 1.4:** Develop and implement Total Maximum Daily Loads (TMDL).

**Measures:** Number of impaired waters bypassed for TMDL development in SFY 2010.  
Number of permits that contain TMDL measures in SFY 2010.

**Baseline:** Number of impaired waters bypassed for TMDL development in SFY 2009.  
Number of permits that contain TMDL measures in SFY 2009.

**Action 1.4.1:** Develop an implementation strategy for addressing the TMDL challenges in impaired watersheds by April 2010.

**Action 1.4.3:** Identify impaired waters that are candidates for bypassing TMDL development June 2010.

**Action 1.4.4:** Develop protocols for the translation of waste load allocations into permits by January 2010.

### Objective 2 - Reduce DOW permit backlogs.

**Tactic 2.1:** Maintain progress toward reducing and/or maintaining zero permit backlogs.

**Measures:** The total number of permits pending.  
The total number of permits pending that exceed regulatory timeframes.  
The total number of “major” facilities with permit applications that exceed regulatory timeframes.  
The number of general permits that have expired and not been issued or that have not otherwise been addressed.  
The number of general permit Notices Of Intent for which coverage has not been issued or that have not otherwise been addressed.  
The percentage of permit reviews completed within regulatory timeframes.  
The percentage of permit reviews that exceed regulatory timeframes.  
Employee productivity rates for permitting, data entry and scanning.

**Baseline:** The SFY 2009 DOW permit backlog.  
SFY 2009 backlog percentages.  
SFY 2009 employee productivity rates.

**Action 2.1.1:** Allocate resources to decrease backlogs by June 2010.

**Action 2.1.2:** Issue Construction General Permit, Coal General Permit and MS4 General Permit by September 2009.

**Action 2.1.3:** Issue remaining expired general permits by January 2010.

**Action 2.1.4:** Provide outreach to the regulated community regarding implementation of general permits by December 2009.

**Action 2.1.5:** Issue letters of coverage or otherwise resolve outstanding coverage issues for backlogged general permit NOIs by November 2010.

**Action 2.1.6:** Issue permits for all “major” facilities that exceed the Regulatory Time Frame (RTF) by June 2010.

**Action 2.1.7:** Issue permits for all facilities that exceed the RTF by >1.5 years by June 2010.



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**Action 2.1.8:** Identify programs needing online applications and develop a prioritization schedule for electronic interface by December 2009.

**Action 2.1.9:** Develop a prioritized list of division processes for mapping by October 2009.

### **Objective 3 - Plan for and promote sustainable water infrastructure.**

**Tactic 3.1:** Promote the EPA's Sustainable Infrastructure Initiative.

**Measures:** The number of drinking water capacity development assessments completed during SFY 2010.

The number of people with access to public water and sewer service.

The number of at-risk dams.

**Baseline:** The corresponding numbers from SFY 2009.

**Action 3.1.1:** Collaborate with key stakeholders from government, industry, and community groups to use their expertise in promoting sustainable water infrastructure.

**Action 3.1.2:** Conduct 5 trainings and 5 public outreach workshops around the state to explain the initiative to water and wastewater providers; discuss with utilities the available asset management tools; and provide them guidance on how to implement the sustainable infrastructure concepts by June 2010.

**Action 3.1.3:** Collaborate with the Kentucky Rural Water Association, the Kentucky League of Cities and the Kentucky Association of Counties to identify joint opportunities for utilizing innovative and sustainable approaches for providing water/sewer service and managing infrastructure.

**Action 3.1.4:** Revise the State Revolving Fund project priority ranking systems to give more points to projects that implement sustainable concepts by January 2010.

**Action 3.1.5:** Develop a statewide drought mitigation strategy by June 2010.

**Action 3.1.6:** Promote the EPA wastewater Capacity, Management, Operations and Maintenance (CMOM) program and facilitate its incorporation into enforcement agreed orders by January 2010.

**Action 3.1.7:** Develop and implement a strategy to promote local governments' participation in the National Flood Insurance Program (NFIP).

**Action 3.1.8:** Complete revisions to 401 KAR 4:030 – Design Criteria for Dams and Associated Structures by September 2009.

**Tactic 3.2:** Plan for sustainable infrastructure.

**Measures:** The number of facility plans reviewed and approved during SFY 2010.

The number of environmental information documents reviewed and approved during SFY 2010.

The number of regional projects approved during SFY 2010.

The number of utilities who adopt asset management models during SFY 2010.

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**Baseline:** The corresponding numbers from SFY 2009.

- Action 3.2.1:** Assist in the Area Development District Water Management Planning Council meetings to assist with planning future water infrastructure.
- Action 3.2.2:** Develop and implement a strategy to encourage wastewater systems to evaluate the applicability of using onsite and decentralized wastewater treatment systems to meet their current and future wastewater needs.
- Action 3.2.3:** Develop and implement a strategy to promote the use of Green Infrastructure in managing storm water to minimize pollutant loads and reduce cost.
- Action 3.2.4:** Develop and implement a strategy to encourage water and wastewater systems to use integrated water planning to protect water quality and reduce the cost of building infrastructure.
- Action 3.2.5:** Develop Capacity Development regulations by January 2010.

### **Objective 4 - Meet federal and state program requirements.**

**Tactic 4.1:** Meet federal EPA requirements.

**Measures:** Percentage of 106 work plan inspections conducted during SFY 2010.  
Number of Sanitary Surveys performed during SFY 2010.  
Compliance rates for Kentucky Pollution Discharge Elimination System (KPDES) inspected facilities.  
Compliance rates for KPDES permitted facilities.  
Compliance rates of PWS inspected facilities.  
EPA Region 4 compliance measures for PWSS facilities.  
EPA submittal of PWSS workplan and other federal commitments.  
Federal grant workplans activities during SFY 2010.

**Baseline:** FFY 2008 & 2009 106 & Public Water System Supervision (PWSS) Workplan.

- Action 4.1.1:** Revise division regulations to reflect federal updates.
- Action 4.1.2:** Submit reports, applications, permits, etc. to EPA within regulatory and MOA timeframes.
- Action 4.1.3:** Meet regulatory timeframes for EPA priority permits.
- Action 4.1.4:** Complete drinking water primacy packages and submit to EPA for approval by June 2010.
- Action 4.1.5:** Complete federal grant commitment.
- Action 4.1.6:** Develop the 2011 federal grant workplans by September 2009.
- Action 4.1.7:** Promote the drinking water Area Wide Optimization Program (AWOP) and evaluate opportunities to integrate its concepts into other Division of Water programs by June 2010.

## Department for Environmental Protection

### Goal 3



### Waste Management & Land Restoration

*Preserve and restore Kentucky's land through the development and implementation of fair, equitable and effective waste management programs.*

The Department of Environmental Protection administers an array of programs to minimize ground contamination risks that may threaten the health, safety and environment of various life forms. These programs regulate and educate the public on issues concerning solid and hazardous waste management, site remediation at contaminated properties, underground storage tanks and recycling waste products.



Solid and hazardous wastes are managed through comprehensive permitting, registration, monitoring, reporting and training requirements. Additional methods such as promotion of solid and hazardous waste minimization, landfill inspections, public meetings and evaluation of waste streams ensure proper protection of our state's natural resources. The department also utilizes state and federal funds to support various programs such as the Hazardous Waste Management Fund which

provides funding to address environmental emergencies and to perform assessment and cleanup of abandoned contaminated sites that pose a serious threat to human health and the environment.

Assisting owners and operators with compliance of operational and maintenance requirements for underground storage tanks is a service provided by the department to prevent ground contamination. Additionally, the department provides for the prevention, abatement and control of contaminant risks associated with underground storage tanks.

The department encourages public participation through various programs to protect our environment by recycling and reducing waste in order to minimize the need for landfills, conserving energy and natural resources. These programs educate citizens and industry in environmentally friendly practices in the proper management of solid waste and stress the significant environmental and economical benefits of reducing, reusing and recycling materials.

## **Department for Environmental Protection**

### **Objective 1 - Reduce and/or maintain elimination of DWM permit and data entry backlogs.**

**Tactic 1.1:** Maintain progress towards reducing and/or maintaining zero permit and data entry backlogs.

**Measures:** The total number of permits pending.  
The total number of permits pending which exceed regulatory timeframes.  
The percentage of permit reviews completed within regulatory timeframes.  
The percentage of permit reviews completed that exceed regulatory timeframe.

**Baseline:** The SFY2004 DWM permit backlog.

**Action 1.1.1:** Obtain a zero backlog on all remaining applications beyond regulatory time frames by June 30, 2010.

**Action 1.1.2:** Maintain and enhance TEMPO reporting to accurately track and report on measures.

**Action 1.1.3:** Allocate staff as necessary to assist in permit review and data entry.

**Action 1.1.4:** Evaluate and implement additional streamlining opportunities to address process and institutional inefficiencies (example: continuously evaluate business processes to identify inefficiencies and implement effective alternatives).

**Action 1.1.5:** Enhance recruitment, training and retention of qualified staff (example: seek revisions to specific personnel classifications, more fully utilize employee recognition opportunities, seek to provide for employee sponsorship).

**Action 1.1.6:** Ensure that all permits are issued within regulatory timeframes.

### **Objective 2 - Protect human health and enhance Kentucky's land resources.**

**Tactic 2.1:** Restore or manage contamination at sites with known or suspected releases to soil or groundwater.

**Measures:** The number of sites with known or suspected releases with potential human exposures where no further action is required or otherwise controlled as a result of implementing a management in place technique:  
Number of underground storage tank cleanups conducted, remaining.  
Number of hazardous waste program corrective actions completed, remaining.  
Number of historic landfills characterized, number remediated, remaining.  
Number of illegal dumps remediated under the Kentucky PRIDE Program, remaining.  
Number of State Superfund sites characterized, number remediated.  
Number of State-Lead sites remediated utilizing the Hazardous Waste Management Fund.

## Department for Environmental Protection

Number of methamphetamine lab properties received and number released.

Number of emergency or incident responses made and number of cases closed.

Number of cleanups conducted under state oversight via the Voluntary Environmental Remediation Program (see also DCA Brownfields measure).

**Baseline:** SFY2004 inventory of existing sites.

**Action 2.1.1:** Maintain and Enhance TEMPO reporting to accurately track and report on measures.

**Action 2.1.1:** Fully inventory the list of sites with known or suspected contamination.

**Action 2.1.2:** Identify resource and program constraints hindering achievement of our measures; pursue program changes and request funding as necessary in expansion budget (examples: potential environmental remediation fee increase and reallocation). At a minimum, work to maintain current level of funding in cleanup programs.

**Action 2.1.3:** Prepare draft legislative agenda to address any issues requiring legislative solutions and pursue enactment (example: reauthorization of the PSTEF accounts in KRS 224.60).

**Action 2.1.4:** Develop and/or amend regulations for Division programs to expedite cleanup progress in a protective manner to human health and the environment (examples: working on further revisions of UST regulations to modify September 2006 revisions and incorporate Energy Act requirements by mid-SFY10, drafting regulatory amendments to solid waste regulations for external review by early SFY10 to conform with federal and state statutes and to modify program procedures/requirements; and to update HW regulations to incorporate federal rulemaking finalized through July 1, 2009 by mid-SFY10).

**Action 2.1.5:** Amend 401 KAR Chapter 42 to incorporate requirements for the investigation of indoor petroleum vapor issues. Maintain development of an overall program to coordinate actions and address these issues.

**Action 2.1.6:** Amend 401 KAR Chapter 42 to incorporate requirements for Operator Certification in conjunction with the federal Energy Act. These requirements will implement a site-specific approach to training and testing to support certification which will significantly aid in increased overall compliance and leak prevention.

**Action 2.1.7:** Enter into contractual agreements to fully utilize funding made available through the American Reinvestment and Revitalization Act to complete cleanups at contaminated UST facilities.

**Action 2.1.8:** Review Standard Operating Procedures and guidance documents annually and update as necessary.

**Tactic 2.2:** Encourage reduced waste generation and disposal by promoting beneficial reuse, recycling, waste minimization, and pollution prevention.

## Department for Environmental Protection

- Measures:** The tons of solid and special waste recycled or reused, by type.  
The tons of material recycled through the State Government Recycling program.  
The number of waste tires used in tire-derived fuel projects, crumb rubber grants and other beneficial reuse purposes.  
The tons of hazardous waste recycled or reused (example: mercury collection efforts).  
The tons of waste recycled as a result of recycling grant program.
- Baseline:** SFY2004 reported quantities of waste generation, disposal, reuse, and recycling.

- Action 2.2.1:** Maintain and Enhance TEMPO reporting or other databases to accurately track and report on measures.
- Action 2.2.2:** Identify resource and program constraints hindering achievement of our measures; pursue program changes and request funding as necessary in expansion budget.
- Action 2.2.3:** Prepare draft legislative agenda to address any issues requiring legislative solutions and pursue enactment. (example: development of waste tire report and reauthorization of the waste tire fund).
- Action 2.2.4:** Develop and/or amend regulations for Division programs to enhance and encourage beneficial reuse and recycling in a protective manner to human health and the environment (example: drafting regulatory amendments to 401 KAR 49:080 to incorporate provisions of 2006 SB50 by mid-SFY10; development of technical requirements for waste-to-energy projects; development of technical requirements for defining when a “recovered material” is exempt from being a solid waste).

**Tactic 2.3:** Assure proper management and disposal of waste.

- Measures:** The compliance rates for authorized solid waste management facilities.  
The amount, by weight, of litter collected by counties through the Kentucky Pride program.  
The compliance rates for authorized hazardous waste facilities.  
The compliance rates for registered underground storage tanks.
- Baseline:** SFY2004 tonnages disposed; litter collected; compliance rates.

- Action 2.3.1:** Maintain and Enhance TEMPO reporting to accurately track and report on measures.
- Action 2.3.2:** Evaluate and implement streamlining opportunities to address process and institutional inefficiencies inhibiting compliance.
- Action 2.3.3:** Develop and/or amend regulations for Division programs to facilitate compliance with agency requirements (example: drafting regulatory amendments to 401 KAR 49:080 to incorporate provisions of 2006 SB50 by mid-SFY10, review 401 KAR Chapter 40 and draft regulatory amendments as necessary).

## **Department for Environmental Protection**

- Action 2.3.4:** Inspect regulated sites at established intervals to facilitate and ensure compliance with agency requirements.
- Action 2.3.5:** Increase communications between permitting central office staff and field operations staff. Take more opportunities for central office permitting staff to conduct site visits with field inspectors.
- Action 2.3.6:** Take enforcement action on regulated sites as necessary to facilitate and achieve compliance with agency requirements (working on methods to improve compliance rates for UST sites through direct compliance assistance efforts with tank owners and operators).
- Action 2.3.7:** Workgroup formed between Underground Storage Tank Branch and the Superfund Branch for addressing possible regulatory changes regarding increased use of bio-fuels, which may pose compatibility problems with existing UST system components.
- Action 2.3.8:** Review Standard Operating Procedures and guidance documents annually and update as necessary.



## Department for Environmental Protection

### Goal 4



### Environmental Compliance

*Ensure environmental compliance using a clear and consistent approach of enforcement.*

Proper enforcement stops violators from releasing illegal pollution into the air, water and onto the ground. In situations where federal and state environmental laws have been violated, enforcement ensures responsible parties are held accountable for the contamination of the environment. Responsible parties are directed to clean up contaminated property or reimburse the department for the cleanup.

The Division of Enforcement serves both compliance and enforcement functions. Through its Compliance and Operations Branch, the Division's compliance efforts focus on identifying violations, notifying the regulated entity of the violations and returning the regulated entity back to compliance through informal processes without the assessment of penalties. This is uniquely different from the responsibilities of the Civil Enforcement Branch, which focuses on addressing violations that have already been cited, following formal administrative processes to resolve the violations and routinely assessing civil penalties as a part of the resolution.

The enforcement process is conducted through referrals from either the Department's program divisions or internally from the Compliance and Operations Branch. When regulated entities fail to return to compliance through the compliance process, the referring party prepares, organizes and summarizes case-specific documentation and refers the violation to the Division of Enforcement's Civil Enforcement Branch for formal enforcement action.



Mid-Valley Pipeline Crude Oil Release, Owen County, January 2005



## Department for Environmental Protection

### Objective 1 - Facilitate the return of regulated entities to compliance with environmental statutes and regulations.

**Tactic 1.1:** Facilitate processes that result in the successful resolution of environmental enforcement cases.

**Measure:** The number of new cases received in the Division during the fiscal year.

**Baseline:** From July 2005 through May 2008, the Division has received an average of 33 new cases per month and an average of 397 new cases per fiscal year.

**Measure:** The number of cases closed by the Division during the fiscal year.

**Baseline:** From July 2005 through May 2008, the Division has closed an average of 33 cases per month and an average of 411 cases per fiscal year.

**Measure:** The total number of enforcement cases in the Division.

**Baseline:** From July 2005 through May 2008, the Division had an average of 1141 open enforcement cases. On 06/07/08, the Division had 1169 open enforcement cases.

**Measure:** The number of cases open in the Division of Enforcement only for monitoring compliance with an agreed order or Secretary's order.

**Baseline:** From July 2005 through May 2008, the Division had an average of 271 enforcement cases open for monitoring and executed settlement document (Demand Letter, Agreed Order, Secretary's Order). On 06/07/08, the Division had 288 enforcement cases open for monitoring and executed settlement document.

**Measure:** The number of cases in the Division that are unassigned.

**Baseline:** In January 2008, the Division had 120 unassigned enforcement cases. On 06/07/08, the Division had 3 unassigned enforcement cases. Data developed prior to January 2008 is spurious.

**Measure:** The total amount of civil penalties collected and supplemental environmental projects imposed from enforcement cases during the fiscal year.

**Baseline:** From SFY2000 through SFY2007, the Division collected and average of \$1,993,536.37 in civil penalties per fiscal year.

**Measure:** The number of Agreed Orders signed by the responsible party in enforcement cases or cases otherwise resolved.

**Baseline:** From July 2005 through May 2008, the Division has received an average of 8 Agreed Orders signed by the responsible party per month and has received and average of 103 Agreed Orders signed by the responsible party per fiscal year.

**Measure:** The number of Demand Letters or Settlement Letters issued per fiscal year.

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**Baseline:** The use of Demand Letters to resolve enforcement cases was reinstituted in February 2008. From February 2008 through May 2008, the Division mailed an average of 8 Demand Letters to the responsible party per month and an estimated average of 96 Demand Letters to the responsible party per fiscal year.

**Measure:** The number of agreed orders and Administrative Orders signed by the Secretary in enforcement cases per year.

**Baseline:** From July 2005 through May 2008, an average of 8 Agreed Orders were executed per month and an average of 102 Agreed Orders were executed per year.

**Action 1.1.1:** Maintain and update protocols and the mechanisms necessary to implement timely and effective enforcement of environmental laws.

**Action 1.1.2:** Develop staff expertise in air, waste management and water programs to allow the Division to more effectively facilitate compliance with environmental laws.

**Action 1.1.3:** Work closely with program divisions to resolve enforcement cases in a timely and effective manner.

**Action 1.1.4:** Develop criteria and format for monthly reporting of Division activities and accomplishments to program divisions and Department and Cabinet management.

**Action 1.1.5:** Develop and implement criteria and mechanism for prioritizing enforcement cases to be referred to Cabinet attorneys for legal action.

### **Tactic 1.2: Resolve enforcement cases in a timely manner.**

**Measure:** The length of time required to draft a case resolution proposal for approval once a case has been assigned to staff.

**Baseline:** From January 1, 2008 to December 18, 2008 the average time was 30 days to draft a case resolution proposal once a case has been assigned to staff.

**Measure:** The length of time required to hold a settlement conference after a case resolution proposal has been drafted.

**Baseline:** From January 1, 2008 to December 18, 2008 the average time was 48 days to hold a settlement conference after a case resolution proposal has been drafted.

**Measure:** The length of time required to reach an agreement in principle or refer a case to the Environmental Protection Legal Division (EPLD) after a case resolution proposal has been drafted.

**Baseline:** From January 1, 2008 to December 18, 2008 the average time was 54 days to reach an agreement-in-principle after a case resolution proposal has been drafted, and an average of 53 days to refer a case to EPLD after a case resolution proposal has been drafted.

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**Measure:** The length of time required to draft an agreed order or demand letter once an agreement-in-principle has been reached.

**Baseline:** From January 1, 2008 to December 18, 2008 the average time was 10 days to draft an agreed order once an agreement-in-principle has been reached, and 1 day to draft a demand letter once an agreement-in-principle has been reached.

**Measure:** The length of time required to have the responsible party under an executed settlement document once a case has been assigned to staff.

**Baseline:** From January 1, 2008 to December 18, 2008 the average time was 186 days from case assignment to execution of an agreed order and 57 days from case assignment to mailing of a demand letter. There is currently insufficient data to determine a baseline for length of time from case assignment to execution of a Secretary's order, a court decision, or a consent decree.

### Objective 2.0 – Provide assistance to Department programs by issuing and tracking compliance with letters of warning and notices of violation.

**Tactic 2.1:** Facilitate processes for the issuance and tracking of compliance with letters of warning and notices of violation.

**Measure:** The number of letters of warning and notices of violation issued by DENF per year.

**Baseline:** From July 2004 through May 2008, the Division issued an average of 10 Letters of Warning per month and an average of 20 Notices of Violation per month. From SFY2005 through SFY2008, the Division issued an average of 117 Letters of Warning per fiscal year and an average of 245 Notices of Violation per year. [NOTE: These numbers do not include LOWs and NOVs issued by the Division for the Drinking Water program, which was a significant portion of the production from January 2004 through July 2006. Since the Division has not issued LOWs and NOVs for the Drinking Water program since July 2006, these activities for the Drinking Water program were excluded from calculating the baseline.]

**Action 2.1.1:** Monitor and report on a yearly basis the number of letters of warning and notices of violation issued by DENF.

**Action 2.1.2:** Work closely with program divisions to issue letters of warning and notices of violation in a timely and effective manner.

## Department for Environmental Protection

### Goal 5



### Compliance Assistance and Environmental Stewardship

*Promote responsible environmental stewardship.*

The formation of the Division of Compliance Assistance in 2004 marked a significant shift for the department, which had historically been perceived as a command-and-control organization focused primarily on oversight and enforcement. While this oversight responsibility is important and must be sustained, forming the Division of Compliance Assistance opened up new



opportunities for the department to achieve environmental compliance and improvements. The division's tools in this effort include partnering with regulated entities, explaining the department's regulatory expectations, assisting entities in their effort to comply with those requirements and encouraging positive actions that reach beyond basic compliance and create a sustainable environment.

The Division of Compliance Assistance administers four distinct programs: certification and licensing, brownfield redevelopment, environmental compliance assistance and environmental leadership (KY EXCEL). Through collaboration with many state agencies, these programs have provided assistance to thousands of businesses, communities and individuals. This innovative and important approach to facilitating compliance and excellence is improving the environment for all Kentuckians.

## Department for Environmental Protection

### Objective 1 - Certify qualified environmental professionals.

**Tactic 1.1:** Certify and train select environmental professionals to maximize appropriate actions and operations at regulated locations.

**Measure:** The number of certification licenses issued annually.

**Baseline:** In SFY09, the Division of Compliance Assistance issued the following certification licenses:

Wastewater Certifications -	180
Wastewater Certification Renewals -	1068
Drinking Water Certifications -	273
Drinking Water Certification Renewals -	344

**Action 1.1.1:** Process certification applications and administer examinations in an accurate and timely manner to ensure that individuals possess the minimum competencies necessary to properly perform their professional duties.

**Action 1.1.2:** Conduct a comprehensive review of certification processes to maximize efficiencies through automation and online technology.

**Action 1.1.3:** Provide accurate and relevant technical training to certified operators and applicants.

**Action 1.1.4:** Perform a comprehensive review of all regulatory standards pertaining to the drinking water operator's certification process; modify regulatory standards as appropriate.

**Action 1.1.5:** Develop and implement a communication strategy that educates the public on the importance of certified professionals and the impact they have on water quality.

### Objective 2 - Revitalize brownfield properties.

**Tactic 2.1:** Facilitate processes that result in the cleanup and beneficial reuse of brownfield properties.

**Measure:** The number of brownfield projects undertaken by communities or individuals that involved guidance, services or incentives offered from the division's Brownfield Program.

**Baseline:** In SFY09, the Division of Compliance Assistance provided services that resulted in the following brownfield projects:

Federal Grant Applications -	13 federal brownfield grant applications were submitted. 3 were awarded for a total of \$600 thousand. The program assisted with 2 CARE grant applications and 1 Smart Growth Assistance grant application – the results are still pending.
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## Department for Environmental Protection

Site Assessments -	Assessment activities were performed on 9 sites
Property Cleanups -	Unknown
Property Revitalizations -	Unknown

**Action 2.1.1:** Continue to identify brownfield sites across the state and provide technical, financial, and visioning services for those wishing to redevelop those properties.

**Action 2.1.2:** Encourage brownfield redevelopment through education and outreach.

**Action 2.1.3:** Lead the development of financial assistance tools and public policies that encourage brownfield cleanup and beneficial use.

### Objective 3 - Help entities achieve environmental compliance.

**Tactic 3.1:** Implement a multi-media compliance assistance program that enhances environmental performance.

**Measure:** Changes in environmental knowledge and behavior resulting from compliance assistance activities.

**Baseline:** In SFY08, the Division of Compliance Assistance received feedback from its clients that indicated the following changes:

Client Response Activities -	72% indicated a change in knowledge 83% indicated a behavior change
Training Activities -	No compliance assistance trainings were conducted in SFY09

**Action 3.1.1:** Provide assistance to entities needing help with agency related topics, with a special emphasis placed on small businesses and communities.

**Action 3.1.2:** Produce training, reference materials, and interactive tools that increase environmental awareness and performance.

**Action 3.1.3:** Provide ombudsman services for the public and entities regulated by the Department to ensure that department programs are appropriately implemented.

**Action 3.1.4:** Evaluate the effectiveness of assistance efforts and the methods that produced the greatest positive impact.

**Action 3.1.5:** Increase communication to all stakeholders on the availability of compliance assistance and the benefits of the program.

### Objective 4 - Encourage environmental excellence.

**Tactic 4.1:** Implement KY EXCEL, an environmental leadership program that recognizes entities for their voluntary commitments to improve Kentucky's environment.

**Measure:** By primary project category, the number of voluntary projects performed by KY EXCEL members.

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**Baseline:** As of the end of SFY09, 1196 KY EXCEL members had committed to a total of 827 voluntary environmental projects.

<u>Primary Project Category</u>	<u>Count</u>
Conservation	28
Education	133
Mentoring and Technical Assistance	8
Performance Improvement	80
Public Health	10
Research and Development	30
Resource Efficiency	123
Resource Support	85
Restoration	41
Waste Reduction	289

**Action 4.1.1:** Increase the number of entities participating in KY EXCEL.

**Action 4.1.2:** Develop and provide incentives and services to KY EXCEL members in recognition of their voluntary efforts to improve Kentucky's environment.

**Action 4.1.3:** Clearly communicate the benefits resulting from the voluntary environmental projects performed by KY EXCEL members.

**Tactic 4.2:** Foster a culture of sustainability.

**Measure:** Changes in knowledge and behavior resulting from sustainability activities.

**Baseline:** Baseline not determined.

**Action 4.2.1:** Develop and provide "green" tools in partnership with organizations, state and local agencies, nonprofit entities and other stakeholders.

**Action 4.2.2:** Identify and communicate resources and opportunities related to environmentally beneficial actions and the benefits of those activities.

**Action 4.2.3:** Encourage sustainable and "green" behaviors among Kentucky's businesses, governments, and citizens.



## Department for Environmental Protection

### Goal 6



### Environmental Program Support

*Improve quality, efficiency and effectiveness of environmental programs and activities through innovative strategies, tools and approaches.*

The Department for Environmental Protection involves a range of activities that collectively provide support to ensure decisions made by the department are practical and consistent with the department's mission. These activities provide a foundation to achieve desired environmental benefits in the best interest of Kentucky's citizens.

Assessing the environmental status of Kentucky's air, land and water is important to determine potential threats, evaluate risks and identify solutions to protect the environment and safeguard human health. The department maintains a centralized laboratory that performs analytical



sample testing of air, water and soil to determine the nature and extent of pollutants within the Commonwealth. The department also maintains a 24-hour emergency environmental response line for accidental spills and releases of toxic and hazardous material that threaten the environment. The Environmental Response Team (ERT) responds immediately to environmental emergencies and provides efficient, coordinated and effective action to minimize damage to Kentucky's environment.

Administrative and financial support of information technology enables the department to efficiently manage data in a timely manner. Addressing the technological needs of our environmental management systems is an essential aspect of providing web-based electronic services to the public. Advancement of the department's technology and streamlining environmental response programs will provide the best possible service to Kentucky's local governments and communities.

Improvement in organizational and employee development, quality assurance and workplace safety are important areas to facilitate the accomplishment of the agency's mission and goals. Empowering employees with the tools, knowledge and skills to contribute effectively and efficiently enables employees to achieve long-term sustainable results to protect and enhance Kentucky's environment.



## **Department for Environmental Protection**

### **COMMISSIONER'S OFFICE (CO)**

#### **Objective 1 – Provide adequate training to DEP employees.**

**Tactic 1.1:** Provide training opportunities to DEP employees to increase the employee performance effectiveness.

**Measure:** The number of formalized training events sponsored by DEP.

**Baseline:** The baseline will be the number of training events sponsored by DEP in SFY09.

**Action 1.1.1:** Coordinate the scheduling with USEPA of the Basic Inspector Training Course to ensure that the content is appropriate and current.

**Action 1.1.2:** Offer the DEP New Employee Orientation program on a monthly basis to all new DEP employees and maintain the manual (and Power Point presentation) to ensure that the content is appropriate and current.

**Action 1.1.3:** Coordinate scheduling and oversee all Safety Training for DEP employees.

**Action 1.1.4:** Facilitate the development of a Supervisor's Training program to ensure that the content is appropriate (include training on employee relations, enforcement of state/cabinet/department-level policies, etc.)

**Action 1.1.5:** Assist the Divisions in identification of specialized training needs and provide approval and support for the training.

**Action 1.1.6:** Partner with agencies and organizations outside DEP to provide environmental awareness training (including but not limited to Earth Day, Governor's Conference on the Environment, Kentucky Recycling Interest Group.)

#### **Objective 2 – Continue to support and coordinate ongoing department-level programmatic activities.**

**Tactic 2.1:** Identify recommendations that will assist in providing the service and responsiveness required for carrying out the day-to-day activities in the Commissioner's Office.

**Measure:** Provide recommendations to the Commissioner on an ongoing basis.

**Baseline:** SFY09 department-level activities.

**Action 2.1.1:** Coordinate e-clearinghouse and NEPA document reviews.

**Action 2.1.2:** Coordinate U.S. Army Corps of Engineers Public Notice Reviews.

**Action 2.1.3:** Coordinate review of Pollution Control Tax Exemption Certificates.

**Action 2.1.4:** Coordinate special projects including: Kentucky State Fair, Wellness Committee, Governor's Conference on the Environment, KECC, March of Dimes, and other department-wide activities.

## **Department for Environmental Protection**

**Action 2.1.5:** Conduct an annual review of the department Quality Management Plan and update as necessary.

### **Objective 3 – Develop an effective strategic planning process.**

**Tactic 3.1:** Develop a Department for Environmental Protection strategic plan for SFY10.

**Measure:** DEP strategic plan development is coordinated by the Commissioner's Office staff and completed at the beginning of the state fiscal year.

**Baseline:** Strategic plans are finalized in advance of deadlines.

**Action 3.1.1:** SFY10 Strategic Plans for the Commissioner's Office and each of the six department divisions are finalized by July 1, 2009.

**Action 3.1.2:** Ensure the Department's goals and objectives are compatible with the SFY10 Department budget.

**Action 3.1.3:** Align the Department's strategic plan with Cabinet's strategic plan.

**Action 3.1.4:** Publish a mid-year status update to the Strategic Plan every December.

**Action 3.1.5:** Each division shall publish an annual report by September 1 including results of the Strategic Plan measures and actions for the previous state fiscal year.

**Tactic 3.2:** Assist staff in understanding their role in the DEP strategic plans by ensuring that employees are clear about the objectives, goals and directions of the agency.

**Tactic 3.3:** Provide input into USEPA's strategic planning processes at both the national and regional levels.

### **DIVISION OF ENVIRONMENTAL PROGRAM SUPPORT (DEPS)**

#### **Objective 1 – Recruit and retain qualified employees for positions at DEP.**

**Tactic 1.1:** Identify recommendations that will assist in the hiring and retaining of qualified employees.

**Measure:** The number of new employees hired and retained on a yearly basis in critical positions.

**Baseline:** SFY09 hiring for critical positions.

**Action 1.1.1:** Work with GAPS staff to develop recommendations to present to the Personnel Cabinet to assist in the recruitment and retention of employees (may include promotion in place options and changes to class specifications.)

**Action 1.1.2:** Increase the promotion of the DEP Scholarship Program at Kentucky universities.

## **Department for Environmental Protection**

**Action 1.1.3:** Secure additional funding to provide financial awards (i.e., ERA, ACE, salary increases) to employees that excel in current critical positions where advancement is not available.

### **Objective 2 – Provide technical, personnel and administrative support for DEP IT-Based Systems (TEMPO/SWr3/KWIMP).**

**Tactic 2.1:** Produce weekly TEMPO Reports for DEP Commissioner's Office that are timely and accurate.

**Measure:** Weekly submission of reports to the Commissioner's Office.

**Baseline:** Weekly Reports submitted.

**Action 2.1.1** Train appropriate Division staff to produce and format reports.

**Action 2.1.2** Designate and train appropriate Division staff for back up.

**Tactic 2.2:** Provide TEMPO/ SWr3/KWIMP Database Support.

**Measure:** Successful completion of tasks on IT Project List.

**Baseline:** July 2009 IT Updated Project List.

**Action 2.2.1:** Completion of requested reporting modules.

**Action 2.2.2:** Evaluate ALAWADR for COMPASS replacement.

**Action 2.2.3:** Provide timely TEMPO Help Desk Support.

**Action 2.2.4:** Create web-based enhancements for TEMPO, including on-line permit applications and license/certification renewals in accordance with allocated SFY10 budget.

**Action 2.2.5:** Adhere to Federal Database Guidelines and modifications (SWr3).

**Tactic 2.3:** Insure Federal CROMERR Regulation Compliance by federal deadline.

**Measure:** Percent of Federal Compliance.

**Baseline:** Percentage of Federal Compliance in SFY09.

**Action 2.3.1:** Submit final application to USEPA for approval.

### **Objective 3 – Continue to Support and Coordinate Ongoing Programmatic Activities.**

**Tactic 3.1:** Identify recommendations that will assist in providing the service and responsiveness required for carrying out the day-to-day activities in the DEPS.

**Measure:** Activities performed and coordinated in SFY10.

**Baseline:** SFY09 activities performed by staff in the DEPS. (IT activities are identified in Objective 2 above.)

## **Department for Environmental Protection**

- Action 3.1.1:** Coordinate the activities of the Environmental Response Team to effectively respond to environmental incidents.
- Action 3.1.2:** Develop a Department Operations Center to coordinate Department emergency activities that result from a release at the Bluegrass Army Depot or any other large scale emergency activity.
- Action 3.1.3:** Obtain satellite communications to enhance the Department's communication capabilities.
- Action 3.1.4:** Develop and implement Department Emergency Operation Plans.
- Action 3.1.5:** Coordinate all DEP facilities issues including maintenance, department services (phone, janitorial, trash, security, internal mail delivery, uniforms, vehicle inventory), and office relocations.
- Action 3.1.6:** Coordinate DEP budgetary activities including submission of annual operating budgets, the biennial budget, and proposed Capital Construction projects.
- Action 3.1.7:** Review and develop Memoranda of Agreement (MOAs) and Personal Service Contracts (PSCs).
- Action 3.1.8:** Coordinate personnel activities including the DEP scholarship program and EEO/ADA activities.
- Action 3.1.9:** Provide technical advice concerning appropriate laboratory analytical methods and techniques.

### **Objective 4 – Provide accurate and defensible chemical analytical services to the program divisions of the Department for Environmental Protection.**

**Tactic 4.1:** Analyze environmental samples collected by the Air Quality, Water and Waste Management Divisions for chemical constituents.

**Measure:** The number of environmental samples analyzed each year.

**Baseline:** In calendar year 2008, there were 7058 samples analyzed by the Environmental Services laboratory.

**Action 4.1.1:** Provide testing services for samples in accordance with the allocated SFY10 budget.

**Action 4.1.2:** Maintain an average turn-around-time of less than 28 days for samples submitted beyond July 1<sup>st</sup>, 2010.

**Measure:** The number of individual tests performed by the Environmental Services laboratory.

**Baseline:** In calendar year 2008, there were 42,521 individual tests performed by the Environmental Services laboratory.

**Action 4.1.3:** Provide individual testing services in accordance with the allocated SFY10 budget.

## Department for Environmental Protection

**Measure:** The number of individual chemical parameters reported by the Environmental Services laboratory.

**Baseline:** In 2008, there were 333,081 individual chemical parameters reported by the Environmental Services laboratory.

**Action 4.1.4:** Provide chemical parameter reporting to meet department needs.

**Tactic 4.2:** Maintain accreditation by USEPA and the National Environmental Laboratory Accreditation Program (NELAP).

**Measure:** Accreditation status of the Environmental Services laboratory.

**Baseline:** Currently, the laboratory is certified as the State Principal Laboratory for Drinking Water by USEPA. In July 2007, the New Hampshire Department of Environmental Services granted the laboratory NELAP accreditation. Continuing accreditation status is dependent on successful ongoing participation in the NELAP program.

**Action 4.2.1:** Participate in a minimum of 2 Proficiency Testing (PT) studies approximately 6 months apart.

**Action 4.2.2:** Pass 2 out of the last 3 consecutive studies to maintain accreditation for that analyte/method.

**Action 4.2.3:** Secure funding that will pay for the fees so that accreditation can be maintained.

**Action 4.2.4:** Review Environmental Services Laboratory analytical and administrative SOPs and Laboratory Operations and Quality Assurance Manual (LOQAM) annually and update as necessary.

**Tactic 4.3:** Upgrade the analytical instrument base of the Environmental Services laboratory.

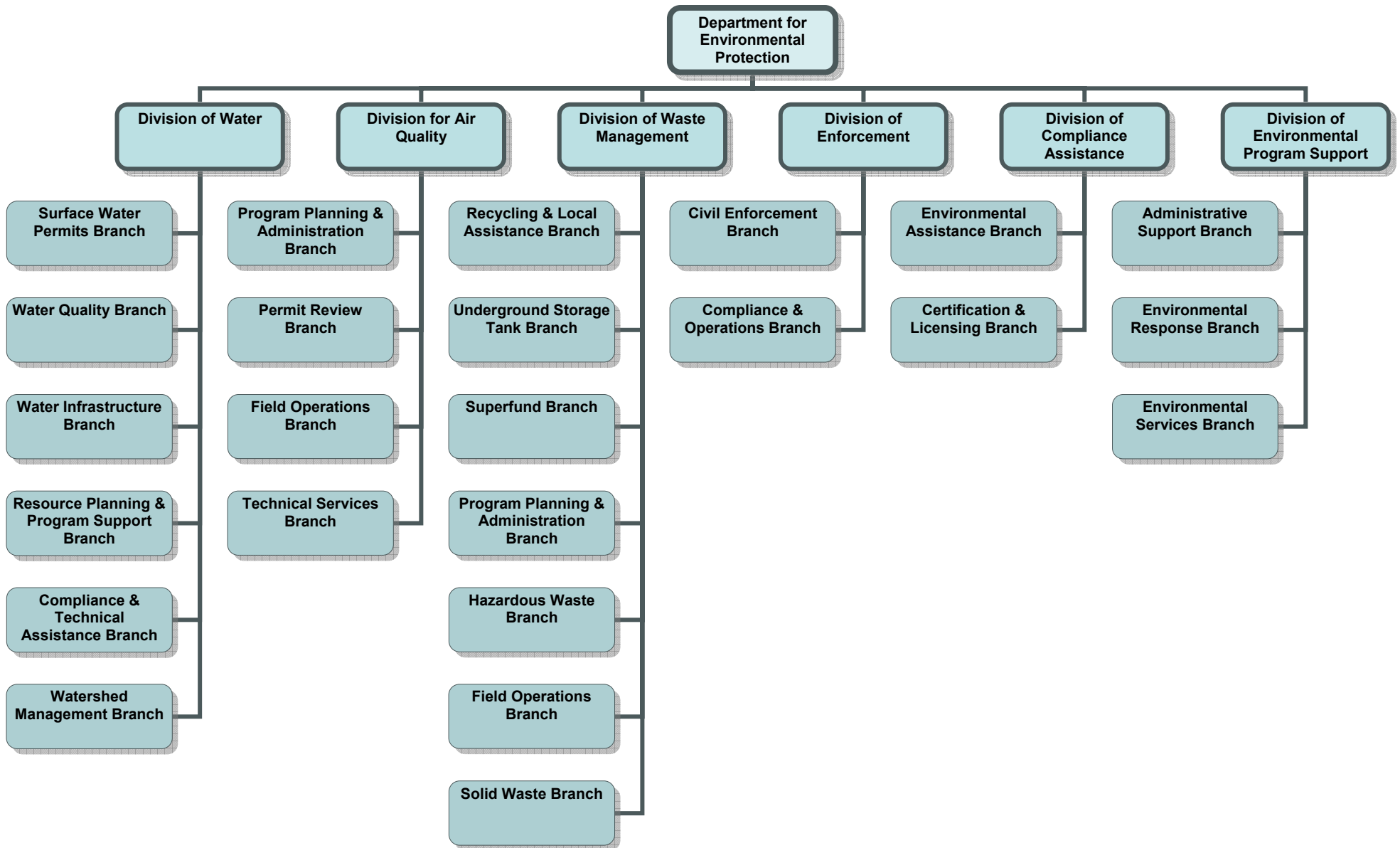
**Measure:** The analytical capacity and dollar value of new and replacement instrumentation.

**Baseline:** The Environmental Services lab maintains a major analytical instrument inventory with a baseline dollar value in excess of \$2 million.

**Action 4.3.1:** Secure additional funding that will allow replacement of old or outdated equipment and instruments.

**Action 4.3.2:** Secure additional funding that will allow purchase of equipment that utilizes new technologies to meet the department's changing program needs.

# **APPENDICES**



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